

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Michael Jones, (a/k/a Michael L.)	
Jones) #259166,)	
)	
Plaintiff,)	
)	
vs.)	C.A. No. 3:05-317-TLW-JRM
)	
Sgt. Shirley Green of Allendale)	
Correctional Institution (sued in)	
individual capacity),)	
)	
Defendant.)	
_____)	

ORDER

This matter is before the Court for review of the Report and Recommendation (the “Report”) filed by United States Magistrate Judge Joseph R. McCrorey, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In the Report, Magistrate Judge McCrorey recommends that this action be dismissed pursuant to FED. R. CIV. P. 41(b). The Report was filed on July 22, 2005. Defendant has not filed objections to the Report.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. The Court accepts the Report, there being no objection to the recommendation of dismissal.

It is therefore **ORDERED** that the Report be **ACCEPTED**, and that this action be **DISMISSED** pursuant to FED. R. CIV. P. 41(b).

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

August 16, 2005
Florence, South Carolina